

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 71148

Josef S. Riedlbauer
Karli Riedlbauer

8706 Jenifer Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 20, 2010, for a Hearing on a citation for violations of the Baltimore County Building Code (BCBC) bill 49-07, International Residential Code (IRC) section 105.1, building permits not obtained for deck and pool, pool not safe-no fence or barrier installed on residential property known as 8706 Jenifer Road, 21234.

On June 4, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Richard Rohlfis issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,000.00 (four thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 17, 2009 stating that building permits are required for pool and deck in rear yard; pool must be made safe by installing approved fence or barrier or pool must be drained. This Citation was issued on June 4, 2010.

B. Photographs in the file show an elevated wooden deck with access stairs, attached to the house at the rear door. Notes in the file by Inspector Richard Rohlf state that no building permit or inspections were obtained for the deck. A Baltimore County building permit is required before a person may erect, construct, repair, alter, remodel, remove, or demolish a building or structure. BCC Section 35-2-301. Respondents have improperly constructed this deck without obtaining the required building permit and inspections. Respondents must obtain a permit and all required inspections and construct a deck that meets code and zoning requirements, or remove the structure from the property. This Citation will be enforced.

C. Photographs in the file show an above-ground swimming pool that has been partially buried in the rear yard, and is full of water. County law requires safety enclosures at least four feet high for swimming pools that contain 24 inches or more of water in depth. BCC Section 13-6-101(a), (b). Code requirements for a pool fence include self-closing gates with latches that are at least four feet above the ground or otherwise made inaccessible from the outside to small children. BCC Section 13-6-101(c). Photographs show this pool is more than 2 feet deep, there is no fence around this pool, and the yard is not fenced from the street or from all neighboring yards. A small child could easily be injured. This Citation will be enforced.

D. Because compliance is the goal of code enforcement, the civil penalty will be significantly reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$4,000.00 (four thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$400.00 (four hundred dollars) if the violations are corrected: (1) the pool emptied of water or made safe with a proper swimming pool enclosure, by July 29, 2010; AND (2) required permits and inspections obtained for the deck, or alternatively the deck removed, by August 23, 2010.

IT IS FURTHER ORDERED that after July 29, 2010, the County may enter the property for the purpose of pumping and emptying the swimming pool, if the required safety enclosure has not been installed and if the pool still contains water in depth of 24 or more inches, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 22nd day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer